

State of Wisconsin



2005 Senate Bill 132

Date of enactment: **December 21, 2005**

Date of publication*: **January 6, 2006**

2005 WISCONSIN ACT 73

AN ACT to renumber 895.35; and to create 895.35 (2) of the statutes; relating to: payment of attorney fees of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.35 of the statutes is renumbered 895.35 (1).

SECTION 2. 895.35 (2) of the statutes is created to read:

895.35 (2) (a) In this subsection:

1. "Criminal proceeding" means an action or proceeding under chs. 967 to 979.

2. "Protective services officer" means an emergency medical technician or first responder under s. 146.50 (1) (e) to (hm), a fire fighter, or a law enforcement or correctional officer.

(b) 1. Notwithstanding sub. (1), the city, town, village, school district, technical college district, or county shall reimburse a protective services officer for reason-

able attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties unless, in relation to that conduct, any of the following applies:

a. The officer is convicted of a crime.

b. The officer's employment is terminated for cause.

c. The officer resigns for reasons other than retirement before the attorney fees are incurred.

d. The officer is demoted or reduced in rank.

e. The officer is suspended without pay for 10 or more working days.

2. If a collective bargaining agreement covering the protective services officer defines reasonable attorney fees for the purpose of subd. 1., that definition shall apply.

SECTION 3. Initial applicability.

(1) This act first applies to attorney fees incurred on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].